

## **AFTER ACTION REPORT**

### **REGULAR CITY COMMISSION MEETING MONDAY, JULY 19, 2010 6:30 P.M.**

**DELTONA COMMISSION CHAMBERS  
2345 PROVIDENCE BLVD.  
DELTONA, FLORIDA**



### **AGENDA**

1. CALL TO ORDER - 6:30 p.m.
2. ROLL CALL - CITY CLERK
3. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:
  - A. Minutes:

Regular City Commission Meeting – July 6, 2010.

Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of July 6, 2010 as presented.
  - B. Additions or Deletions to Agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
  - A. Proclamation – Shirley Zent Recognition Day – July 19, 2010.
  - B. Proclamation – Parks & Recreation Month – July, 2010.
  - C. Presentations - Quarterly Board Reports of City Advisory Board/Committees.
6. PUBLIC FORUM – Citizen comments for items not on the agenda.  
(4 minute maximum length)

**CONSENT** All items marked with an \* will be considered by one motion unless removed  
**AGENDA:** from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

**7. CONSENT AGENDA:**

After discussion, the Commission voted unanimously to approve Consent Agenda Items 7-A, 7-B, 7-E and 7-F.

**\* A. Request for Approval to Award of Bid #10018, to Anderson's Ace Hardware for Maintenance, Repairs and Operating Supplies.**

*Throughout the year, many departments purchase items from stores such as Lowes, Home Depot and Ace Hardware. To ensure that the City is getting the best possible price, Purchasing solicited bids for Maintenance, Repair and Operating Supplies requesting a percentage off the list price for different categories of items as listed below. Two hundred forty one companies were notified and there were ten planholders. The bid document was also mailed to many local hardware stores. Only one bid was received from Anderson's Ace Hardware on Providence Boulevard. The percentage discounts offered are as follows:*

- Appliances: 10% Parts 30%
- Building Materials: 10%
- Flooring: 15%
- Hardware: 25% / Full Boxes Fasteners: 35%
- HVAC: 20%
- Irrigation Equipment & Supplies: 25% / PVC Fittings: 35%
- Janitorial: 20%
- Lawn, Garden & Landscaping: 20%
- Motors, Pumps: 20%
- Paints & Coatings: 20% / Full Case 30%
- Plumbing: 20% / Water Heaters: 10% / Fittings: 35%
- Tools, General purpose, hand-held: 20%
- Tools, Machine Type: 10%
- Safety Supplies: 25% / Rubber Boots: 15%
- Window Coverings: 20%
- Misc: 20%
- Services: 20% / Glass : 30% / Keys: 30% / Special Orders: Cost +25%

Approved by Consent Agenda – to approve the award of Bid #10018 for Maintenance, Repair and Operating Supplies to Anderson's Ace Hardware at the discounted rates as listed in their bid for a period of five (5) years for as needed purchases within appropriated funding.

**\* B. Request for Approval to Piggyback The Cooperative Purchasing Network (TCPN) Contract #R4954 to Lowes for maintenance, repair and operating supplies.**

*The City of Deltona is a member of the Cooperative Purchasing Network also known as TCPN. TCPN is a national governmental purchasing cooperative able to leverage one of the largest pools of purchasing potential. They competitively bid and award contracts to national vendors in accordance with purchasing procedures mandated by state procurement laws and regulations. TCPN has awarded contract number R4954 to Lowe's Home Centers, Inc. for Maintenance, Repair and Operating Supplies. The Contract is effective through March 31, 2011 with the option to renew for four (4) additional one (1) year periods.*

*City employees regularly use Lowes to purchase supplies needed for projects throughout the City.*

*The contract offers discounted pricing for different categories of items. Online ordering is available. If you place an order online prior to 3:00 p.m., it will be ready for pick-up within two hours. If you place an order after 3:00 p.m., it will be ready at 7:00 a.m. for pick-up. This should streamline the ordering process while also providing the City with discounted pricing.*

**Approved by Consent Agenda – to approve piggybacking TCPN Contract #R4954 with Lowes for an initial period through March 31, 2011 and renewed annually in accordance with the contract and upon annual appropriation of funding.**

**C. Request for Approval Award of Bid #10021, Thornby Park All-Inclusive Playground.**

*Purchasing requested bids from General Contractors to provide site work and engineering services at 'Thornby Park' for the purpose of creating a parking lot and all-inclusive playground serving the entire community. The subject site is located at the intersection of Providence Boulevard and Lakeshore Drive in Deltona, with access proposed from Providence Boulevard.*

*The project is funded through a combination of funds from the Volusia County ECHO Grant, CDBG funds, and from the City's Park Projects Fund. The playground and restroom have already been purchased by the City. The playground company will provide the installation of the playground. This General Contractor's bid is for site work needed for this project to selectively clear that portion of the site for the parking lot and playground, the construction of the parking lot, utility connections, construction of drainage facilities, and installation of the bathroom with site furnishings (i.e. water fountains, benches, and trash receptacles).*

*Five (5) bids were received as follows:*

- *The Collage Companies: \$350,900*
- *Halifax Paving, Inc.: \$360,328.25*
- *Southern Building Services, Inc. \$294,000*
- *Truant/Crossroad J.V.: \$327,520*
- *The Watauga Company: \$340,905*

*Southern Building Services, Inc. was the lowest, responsive, responsible bidder at \$294,000. They have proposed to complete the project in 90 days.*

**After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve award Bid No. 10021 Thornby Park All-Inclusive Playground Project to Southern Building Services, Inc.; at a total cost of \$294,000.**

**D. Request for Approval of Volusia County Sub-Recipient Agreement for the 2008 Disaster Recovery Program.**

*In August of 2008, the City of Deltona was impacted by Tropical Storm Fay through excessive rainfall and flooding conditions. The City received approximately 19 inches of rain, which was in keeping with the Presidential disaster declaration issued for parts of Central Florida.*

*As part of the Presidential disaster declaration, the Florida Department of Community Affairs (DCA) received supplemental Community Development Block Grant (CDBG) funding to be used for disaster relief, long term recovery, and the restoration of infrastructure, housing, and economic vitality. Volusia County was eligible to receive \$4,172,917 through the grant program.*

*To take advantage of the grant, the City has partnered as a sub-recipient with Volusia County, with the intent of improving drainage within the basins. The improvements involve upgrades to pump station infrastructure, with an estimated total cost of \$927,500, divided as follows:*

- 1) Tivoli/Wheeling Pump Station - \$526,000*
- 2) Lake Tivoli Pump Station - \$158,500*
- 3) Piedmont Pump Station - \$243,000*

*Volusia County, as the grant administrator, is requesting that the City enter into the Sub-Recipient Agreement, which is required by the DCA for the City to participate in the program. The agreement establishes the responsibility for grant administration, scope of services, time frames, etc.*

After discussion, the Commission voted unanimously to direct staff to execute the Volusia County Sub-Recipient Agreement for use of CDBG Disaster Recovery Program funds relating to Tropical Storm Fay.

**\*E. Request for Approval of renewal of Deltona Lodge 756 Facility Use Agreement.**

*Deltona Lodge 756 is a Florida non-profit organization who has maintained a Long Term Facility Use Agreement with the City of Deltona since 2006. The Deltona Lodge is a Subordinate Lodge of the Most Worshipful Union, Grand Lodge, Florida.*

*Deltona Lodge 756 meets on the second and fourth Tuesday of each month from 8:00 to 10:00 p.m. in the Little Red Schoolhouse facility located at the Deltona Community Center. The Lodge shall be responsible for paying a Category II Facility Use Fee rate of \$15.00 per hour, less the 20% discount awarded for entering into a long-term lease agreement with the City.*

*Deltona Lodge 756 has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year Long Term Facility Use Agreement with an option to renew for three (3) additional one-year terms, subject to the receipt and acceptance of a timely Facility Use Renewal Form.*

Approved by Consent Agenda – to approve the Long Term Facility Use Agreement with Deltona Lodge 756 for use of the Little Red Schoolhouse facility at the Deltona Community Center for a period of one (1) year, effective July 19, 2010, with the option for a total of three (3) one-year renewals upon written agreement of both parties.

**\*F. Request for Waiver of Fees – SE10-009, Volusia County Hispanic Association – Back to School Event.**

*The City has received a request from Carlos Rivera, President, Volusia County Hispanic Association, for waiver of the applicable costs and permit fee associated with the Volusia County Hispanic Association's Annual Back to School Event at Wes Crile Park, on Saturday, August 7, 2010.*

*The costs associated with the request for waiver of associated costs and services from the Fire and Sheriff's Departments include the following:*

*Permit Fee - \$ 50.00  
Parks /Recreation - \$175.00  
Fire/Rescue - \$250.00  
Sheriff's Dept. - \$320.00  
Public Works - -0-  
Total - \$795.00*

Approved by Consent Agenda – to authorize staff to waive the fees associated with the rental of Wes Crile Gym for the 7th Annual Back to School Fair to be held on August 7th, 2010.

**8. ORDINANCES AND -PUBLIC HEARINGS:**

- A. Public Hearing – Resolution No. 2010-23, Adopting the Deltona Eastern Water Reclamation 2010 Facility Plan and Capital Financing Plan, and Authorizing submission of the Plan to the Florida Department of Environmental Protection (FDEP).**

*The City of Deltona is proposing to build the Eastern Water Reclamation Facility to expand the City's current wastewater service area as well as provide for future economic development of the Osteen JPA, SR 415 corridor. The City of Deltona is seeking consideration for a low-interest State Revolving Fund (SRF) Construction Loan funding from FDEP in the amount of approximately \$31.6 million based upon preliminary planning estimates. This action supports the City's intent to secure maximum eligibility for all anticipated wastewater construction projects utilizing the lowest cost funding available.*

*Resolution No. 2010-23 authorizes the following:*

*Adoption of the 2010 Facilities Plan dated July, 2010; and Capital Financing Plan; authorizes the submission of the Plan to Florida Department of Environmental Protection (FDEP); and designates the authorized representative and provides an effective date.*

After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to adopt Resolution No. 2010-23 as it pertains to the Eastern Water Reclamation Facility.

**9. OLD BUSINESS:**

**10. NEW BUSINESS:**

- A. Resolution No. 2010-03, Establishing the tentative proposed millage rate for the levy of ad valorem taxes for FY 2010/2011.**

*The City Manager's proposed fiscal year 10/11 budget was based on a millage levy of 5.9540. During the Commission workshop meeting, the Commission discussed assessing a millage rate of 6.4464. The tentative millage rate reflects a 7.1% reduction from the rolled back rate.*

*Resolution No. 2010-13, establishes the tentative proposed millage rate at 6.4464. The adopted rate will be communicated to the Property Appraiser and used in the*

*Notice of Proposed Property Taxes (TRIM Notices) issued to Deltona property owners in late August.*

*NOTE: The rate established for TRIM Notices cannot be increased. However, the rate can be decreased when adopting the final millage levy in September.*

After discussion, the Commission voted 5 to 2 (Commissioner Denizac and Commissioner Zischkau voted against the motion) to approve Resolution No. 2010-13, determining the tentative proposed millage rate for the levy of ad valorem taxes for 2010 at 6.4464 mills.

**B. Resolution No. 2010-15, Establishing the preliminary annual rate resolution – Solid Waste Services for FY 2010/2011.**

*The Solid Waste Collection System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.*

*Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution requires the adoption of a Preliminary Rate Resolution. Staff is not proposing a change in the annual solid waste assessment; the current fee is \$132.00 per year.*

After discussion, the Commission voted unanimously to approve Resolution No. 2010-15, Establishing Preliminary Assessment Rate Resolution – Solid Waste Assessment for FY 10/11 to provide for annual rate of \$132.00 for solid waste collection services.

**C. Resolution No. 2010-16, Establishing the preliminary annual assessment rate – Stormwater Utility Services for FY 2010/2011.**

*The Stormwater Utility System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.*

*Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution requires the adoption of a Preliminary Rate Resolution. Staff is not proposing a change to the current annual rate of \$76.11 per ERU (Equivalent Residential Unit).*

After discussion, the Commission voted unanimously to approve Resolution No. 2010-16, Establishing Preliminary Assessment Rate Resolution – Stormwater Utility Assessments for FY 10/11 at the rate of \$76.11 per Equivalent Residential Unit (ERU).

**D. Resolution No. 2010-14, Establishing Preliminary Annual Assessment Rate -**



**Streetlighting Services for FY 10/11.**

*The Streetlighting Services System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.*

*Section 54-253 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary and Annual Rate Resolutions.*

**After discussion, the Commission voted unanimously to approve Resolution No. 2010-14, adopting the current rate for Streetlighting Assessments for FY 10/11.**

**E. Consideration of request from Aurora Loan Services for reduction of fine from \$5,000 assessed pursuant to Special Magistrate Case DEL07-068.**

*An order Imposing Fine/Lien was entered on July 25, 2007, by the City of Deltona Special Magistrate, ordering Stephen R. Theisen to pay to the City of Deltona a fine in the amount of one hundred dollars (\$100.00) per day beginning July 25, 2007, for each and every day the violations exist and continue to exist or until a maximum amount of \$5,000.00 is reached. The violation occurred when the respondent failed to obtain a permit for enclosing a carport located on the property at 2930 Bath Street. The respondent failed to come into compliance and the total accumulated amount due is \$5,000.00. The home was foreclosed and Aurora Loan Services was issued a Certificate of Title on March 09, 2010. On June 23, 2010, the respondent's representative Carolyn Moriarty appeared before the Special Magistrate to request a recommendation to reduce the fine.*

**After discussion, the Commission voted 5 to 2 (Commissioner Denizac and Commissioner Zischkau voted against the motion) to grant the request of Aurora Loan Services for a reduction of the fine concerning Case No. DEL 07-068 for the property located at 2930 Bath Street, Deltona, Florida, to the sum of \$500.00 to be paid within 30 days (August 19, 2010) or the fine reverts back to the original amount.**

**F. Request for approval of the Facility Use Agreement – Henkels and McCoy.**

*Henkels & McCoy, Inc. has maintained a Long Term Facility Use Agreement with the City of Deltona since 2006. They are a Pennsylvania based, for-profit corporation, with a focus on increasing opportunities for educational, vocational and employment programs for youth.*

*The organization utilizes the classrooms and a limited storage area at the Harris M. Saxon Community Center on Mondays through Thursdays from 8:30 a.m. to 2:00 p.m. In addition, they utilize the facility on Fridays from 9:00 a.m. to 1:00 p.m. to perform office work.*



*The standard Facility Use Fee for a Category IV user is \$135.00 per day, less the 20% discount awarded for entering into a long-term lease agreement with the City. In 2006, the organization requested and received a waiver of the standard facility use fee. The City Commission authorized a flat \$200.00 per month fee to offset costs.*

*Henkels & McCoy, Inc. has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year long term Facility Use Agreement with an option to renew for an additional one (1) year term, subject to the receipt and acceptance of a timely Facility Use Renewal Form.*

After discussion, the Commission voted unanimously not to take any action with the understanding that staff is going to look for alternative locations, bring them back to the Commission and give an extension to Henkels & McCoy, Inc.

**G. Selection of Voting Delegate to the 84<sup>th</sup> Annual Florida League of Cities Conference.**

*The Florida League of Cities' Annual Conference will be held at the Westin Diplomat Resort in Hollywood on August 19 - 21, 2010. This year's theme is Creating Community in Tough Times. The League is asking each City to designate one person to be the voting delegate. Policy development, election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each City will make decisions that determine the direction of the League.*

After discussion, the Commission voted unanimously to select Commissioner Carmolingo as the City's voting delegate to the 84th Annual Conference of the Florida League of Cities.

**11. CITY COMMISSION COMMENTS:**

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

**14. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.